

DIVISION 3. LOBBYISTS

Sec. 2-481 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory personnel means the members of those city boards and agencies whose sole or primary responsibilities is to recommend legislation or give advice to the city commissioners.

Autonomous personnel includes but is not limited to the members of the housing authority, personnel board, pension boards, and such other autonomous or semi-autonomous authorities, boards and agencies as are entrusted with the day-to-day policy setting, operation and management of certain defined functions or areas of responsibility.

Commissioners means the mayor and members of the city commission.

Departmental personnel means the city manager, all assistant city managers, all department heads, the city attorney, chief deputy city attorney and all assistant city attorneys; however, all departmental personnel when acting in connection with administrative hearings shall not be included for purposes of this division.

Lobbyists means all persons employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any commissioner; any action, decision, recommendation of any city board or committee; or any action, decision or recommendation of any personnel defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city commission, or a city board or committee. The term specifically includes the principal as well as any agent, attorney, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, attorney, officer or employee.

Quasi-judicial personnel means the members of the planning board, the board of adjustment and such other boards and agencies of the city that perform such quasi-judicial functions. The nuisance abatement board, special master hearings and administrative hearings shall not be included for purposes of this division.

(Ord. No. 92-2777, §§ 1, 2, 3-4-92; Ord. No. 92-2785, §§ 1, 2, 6-17-92)

Sec. 2-482. Registration.

- (a) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee of \$25 and state under oath.
 - (1) His name;
 - (2) His business address;
 - (3) The name and business address of each person or entity which has employed the registrant to lobby;
 - (4) The commissioner or personnel sought to be lobbied; and
 - (5) The specific issue on which he has been employed to lobby.
- (b) Any change to any information originally filed, or any additional city commissioner or personnel who are also sought to be lobbied shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.
- (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- (d) Separate registration shall be required for each principal represented on each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, invitation to bid, or public hearing number. The city clerk shall reject any registration statement not providing a description of the specific issue on which such lobbyist has been employed to lobby.
- (e) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.
- (f) In addition to the registration fee required in subsection (a) of this section, registration of all lobbyists **shall be required prior to October 1 of every even-numbered year; and the fee for biennial registration** shall be as specified in appendix A. (\$125.00)

- (g) In addition to the matters addressed above, every registrant shall be required to state the extent of any business, financial, familial or professional relationship, or other relationship giving rise to an appearance of an impropriety, with any current city commissioner or personnel who is sought to be lobbied as identified on the lobbyist registration form filed.
- (h) The registration fees required by subsections (a) and (f) of this section shall be deposited by the clerk into a separate account and shall be expended only to cover the costs incurred in administering the provisions of this division. There shall be no fee required for filing a notice of withdrawal, and the city manager shall waive the registration fee upon a finding of financial hardship, based upon a sworn statement of the applicant. Prior to conducting any lobbying on a matter, all lobbyists subject to the registration requirements of this section must file a form with the city clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Any person who only appears as a representative of a nonprofit corporation or entity (such as a charitable organization, a neighborhood or homeowner association, a local chamber of commerce or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register with the clerk as required by this section. Copies of registration forms shall be furnished to each commissioner or other personnel named on the forms.
- (i) All members of the city commission and all city personnel shall be diligent to ascertain whether persons required to register pursuant to this section have complied with the requirements of this division. Commissioners or city personnel may not knowingly permit themselves to be lobbied by a person who is not registered pursuant to this section to lobby the commissioner or the relevant committee, board or city personnel.
- (j) The city clerk shall publish logs on a quarterly and annual basis reflecting the lobbyist registrations filed. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the state legislature pursuant to F.S. & 11.045. (Ord. No. 92-2777, & 3, 3-4-92; Ord. No. 92-2785, & 3, 6-17-92; Ord. No. 2000-3243, & 1, 5-10-00)

Sec. 2-483. Exceptions to registration

- (a) Any public officer, employee or appointee or any person or entity in contractual privity with the city who only appears in his official capacity shall not be required to register as a lobbyist.
- (b) Any person who only appears in his individual capacity at a public hearing before the city commission, planning board, board of adjustment, or other board or committee and has no other communication with the personnel defined in section 2-481, for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist, including but not limited to those who are members of homeowner or neighborhood associations. All speakers shall, however, sign up on forms available at the public hearing. Additionally, any person requested to appear before any city personnel, board or commission, or any person compelled to answer for or appealing a code violation, a nuisance abatement board hearing, a special master hearing or an administrative hearing shall not be required to register, nor shall any agent, attorney, officer or employee of such person.
(Ord. No. 92-2777, §§ 4, 5, 3-4-92; Ord. No. 92-2785, §§ 4, 5, 6-17-92)

Sec. 2-484. Sign-in logs.

In addition to the registration requirements addressed above, all city departments, including the offices of the mayor and city commission, the offices of the city manager, and the offices of the city attorney, shall maintain signed sign-in logs for all noncity employees or personnel for registration when they meet with any personnel as defined in section 2-481. (Ord. No. 92-2785 & 6, 6-17-92)

Sec. 2-485. List of expenditures; reporting requirements.

- (a) **On October 1 of each year, lobbyist subject to lobbyist registration requirements shall submit to the city clerk a signed statement under oath as provided herein listing all lobbying expenditures in the city for the preceding calendar year.** A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in

detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising; publications, travel, lodging and special events.

- (b) The city clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in section 2-485.1, a fine of \$50.00 per day shall be assessed for reports filed after the due date.
- (c) The city clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist to file a report and/or pay the assessed fines after notification.
- (d) A lobbyist may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown. (Ord. No. 92-2777, & 6, 3-4-92; Ord. No. 92-2785, & 7, 6-17-92; Ord. No. 2000-3243, & 1, 5-10-00)